IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

MACA.No. 2080 of 2007()

OPMV.242/2006 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM
.....

APPELLANT/PETITIONER:

MOIDU, AGED 69 YEARS,
S/O. VEERANKUTTY, VATHARATH VEEDU, KARAKKAD,
ONGALLUR VIA., OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH
SMT.PRIYA VIJAYAN

RESPONDENTS/RESPONDENT NO.3:

THE UNITED INDIA INSURANCE COMPANY LTD.,
FAIZAL BUILDING, MAIN ROAD, OTTAPALAM.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.A.C.A.No.2080 OF 2007

Dated this the 21st day of November, 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident and the insurance coverage are not disputed. The only question is whether the award amount granted by the Tribunal is just and proper. Claimant was aged at 60 years at the time of accident. According to him, he sustained serious injuries. Claimant refers to Ext.A6 discharge order issued by the hospital. No disability certificate was produced, no doctor was examined and no oral evidence was adduced. Therefore, the Tribunal was not in a position to ascertain the disability, however Rs. 28,090/- was awarded in all. In the absence of any oral evidence, we cannot find fault with the Tribunal. The award passed by the Tribunal is sustained. Accordingly, the appeal is dismissed.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.